

REMARKS

Applicants respectfully request consideration of the application in view of the following remarks.

Claims 72-75 are pending in the application.

Claims 72-75 stand rejected under 35 USC 112, second paragraph, as being indefinite.

Claims 72 and 73 stand rejected under 35 USC 102(b) as being anticipated by each of the following references: Boie, O'Donnell, Crisp, and Sames. Claims 72 and 73 also stand rejected as being anticipated by various compounds located in Chemical Abstracts.

Claims 72-75 stand rejected under 35 USC 102(a) as being anticipated by compound RN 352311-16-1.

Claims 72-75 - 35 USC 112, second paragraph

The rejection of claims 72-75 under 35 USC 112, second paragraph, is respectfully traversed.

Contrary to the Examiner's statement, the term --heteroaryl-- is not indefinite. The term heteroaryl ring is defined in paragraph [0042] in the specification. A heteroaryl group is defined as a 5- to 7-membered monocyclic or bicyclic or 7- to 10-membered bicyclic heterocyclic rings. The degree of saturation ranges from saturated, partially unsaturated, or unsaturated (aromatic). The number and type of heteroatoms present in the ring ranges from 1 to 4 heteroatoms independently selected from the group consisting of N, O and S, wherein the nitrogen and sulfur heteroatoms may optionally be oxidized. Applicants respectfully submit that one skilled in the art would be able to determine whether a compound included a heteroaryl group as described in claim 72, and therefore, claim 72 satisfies the requirement that the claims must particularly point out and distinctly claim the invention.

Further, the term --hydrocarbyl-- is not indefinite. The term hydrocarbyl is defined in paragraph [0038] in the specification. A hydrocarbyl group is a group that contains only carbon and hydrogen atoms. Hydrocarbyl groups include linear, branched, and cyclic hydrocarbons. Applicants respectfully submit that one skilled in the art would be able to determine whether a compound included a hydrocarbyl group as described in claim 72, and therefore, the claim satisfies the requirement that the claims must particularly point out and distinctly claim the invention.

Thus, Applicants respectfully request that the Examiner withdraw the rejection of claims 72-75 under 35 USC 112, second paragraph.

Claims 72 and 73 - 35 USC 102(b)

Applicants respectfully traverse the rejection of claims 72 and 73 under 35 USC 102(b) as anticipated by each of Boie, O'Donnell, Crisp, and Sames, and various compounds located in Chemical Abstracts.

Contrary to the Examiner's statements, claim 72 is not anticipated by compound 10 in Boie. Claim 72 recites a free radical intermediate having an sp^2 hybridized carbon radical. Boie does not disclose any free radical intermediates. Instead, Boie discloses anionic intermediates such as the intermediate between compound 9 and compound 10 (Scheme 2, p. 177).

Contrary to the Examiner's statements, claim 72 is not anticipated by compound 7 in O'Donnell. Claim 72 recites a free radical intermediate having an sp^2 hybridized carbon radical. O'Donnell does not disclose any free radical intermediates. Instead, O'Donnell discloses anionic intermediates such the intermediate between compound 6 and compound 7 (Scheme 4, p. 177).

Contrary to the Examiner's statements, claim 72 is not anticipated by compound 3a in Crisp. Claim 72 recites a free radical intermediate having an sp^2 hybridized carbon radical.

Crisp does not disclose any free radical intermediates. Instead, Crisp discloses alkenyl palladium intermediates that are not free radicals. For example, the transformation of compounds 2a and 2b into 3a and 3b does not pass through a free radical intermediate.

Contrary to the Examiner's statements, claim 72 is not anticipated by compounds 5h, 5i, 6h, and 6i in Sames. Claim 72 recites a free radical intermediate having an sp^2 hybridized carbon radical. Sames does not disclose any free radical intermediates. Instead, Sames discloses oxonium intermediates such as the intermediate between compound 2h and compound 5h (Case 3 in Scheme 2, p. 2155).

Contrary to the Examiner's statement, claims 72 and 73 are not anticipated by compounds RN 161300-04-05 (3-methyl-5-[(1-methylethylidene)amino]-1-penten-3-ol); RN 126385-60-2 (2-[(diphenylmethylene)amino]-4-(1-methylphenyl)-4-dodecenoic acid methyl ester); or RN 31025-83-9 (N-isopropylidene-1,5,9-trimethyl-4,8-decadienylamine). Claims 72 and 73 recite a free radical intermediate having an sp^2 hybridized carbon radical. None of the compounds cited have an sp^2 hybridized carbon radical.

Thus, Applicants respectfully request that the Examiner withdraw the rejection of claims 72 and 73 under 35 USC 102(b).

Claims 72-75 - 35 USC 102(a)

Applicants respectfully traverse the rejection of claims 72 - 75 under 35 USC 102(a) as anticipated by the compound RN 352311-16-1. Claims 72-75 recite a free radical intermediate having an sp^2 hybridized carbon radical. The compound RN 352311-16 (N-(1-methylethylidene) 4-penten-1-amine) does not have an sp^2 hybridized carbon radical.

Fees

Applicants believe that no additional fee is due. Applicants are submitting this complete response to the Office Action mailed April 27, 2004, before the 3 month due date of July 27, 2004.

CONCLUSION

Applicants respectfully request consideration of the application in view of the foregoing remarks.

The Examiner is invited to contact the undersigned attorney at (336) 607-7432 with any questions or comments.

Respectfully submitted,

Date: June 9, 2004

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